

Serial No. 10/677,197
60130-1660; 02MRA0586

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Keith Pound

Serial No.: 10/677,197

Examiner: Jerry E. Redman Group Art Unit: 3634

Filed: October 2, 2003

For: SELF-FASTENING GLASS ATTACHMENT CLIP

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Dear Sir:

Appellant submits this Appeal Brief pursuant to the Notice of Appeal filed September 15, 2005. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, \$500.00 for the appeal brief fee. Any additional fees or credits may be charged or applied to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds.

REAL PARTY IN INTEREST

The real party in interest is ArvinMeritor Technology, LLC, assignee of the present invention.

RELATED APPEALS AND INTERFERENCES

There are no prior or pending appeals, interferences or judicial proceedings related to this appeal, or which may directly affect or may be directly affected by, or have a bearing on, the Board's decision in this appeal.

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STATUS OF CLAIMS

Claims 1-6 and 8-22 are pending, claims 2-4,6 and 14-16 stand allowed and claims 1,5,8-13 and 17-22 stand rejected.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

An automobile window lift assembly typically includes at least one cursor to provide the coupling between a glass window and the operating mechanism. An attachment member such as a bolt or threaded rod attached to the window is inserted and secured within the cursor.

The window lift assembly 10 claimed in this application includes a window 12 secured within cursors 18 supported on a lifting mechanism 14. An attachment member 16 on the window 12 is received within a slot 20 of the cursor 18. A clip 22 within the cursor 18 includes a locking portion 32 and a biasing portion 34 that secures the attachment member 16 within the cursor 18. (Page 3, paragraph 23, Figures 1 and 2).

The clip 22 is disposed within the cursor 18 and orientated such that insertion of the attachment member 16 moves the locking portion 32 out of the slot 20. The attachment member moves 16 downward within the slot 20 until contacting the biasing portion 34 of the clip 22. The locking portion 32 of the clip 22 then springs back into a locking position once the attachment member 16 has contacted the biasing portion 34. The locking portion 32 engages the attachment member 16 and prevents removal of the attachment member 16 from the slot 20 of the cursor 18. (Page 4, paragraphs 25,26, Figures 2-4)

Claim 1

Claim 1 recites a window lift mechanism assembly 10 for a window 12 having at least one attachment member 16 and including a cursor 18 adapted to receive the attachment member 16. Further claim 1 requires at least one strand 22 disposed within the cursor 18 that include a

locking portion 32 for securing the attachment member 16 within the cursor 18. (Page 3, paragraph 23, Figures 1 and 2).

Claim 13

Claim 13 recites a door module assembly including 11 a window lift mechanism 10, and a window 12 including at least one attachment member 16. Claim 13 further requires a cursor 18 attached to the window lift mechanism 10 where the cursor 18 includes an opening 20 to receive the attachment member 16, and at least one continuous strand 22 disposed within the cursor 18. The continuous strand 22 includes a locking portion 32 for securing the attachment member 16 within the cursor 18. (Page 3, paragraph 23, Figures 1 and 2).

Claim 17

Claim 17 recites a cursor assembly 18 attachable to a window 12 having an attachment member 16. Claim 17 further requires at least one strand 22 is supported within the cursor 18 that includes a locking portion 32 engageable with the attachment member 16 of the window 12 for securing the 18 cursor to the window 12. (Page 3, paragraph 23, Figures 1 and 2)

ISSUES TO BE REVIEWED ON APPEAL

(1) Is the rejection of Claims 1,5, 8-13, and 17-22 under 35 U.S.C. § 102(b) as being anticipated over U.S. Patent No. 6,557,302 to Kaps ("Kaps) improper?

ARGUMENT

Claims 1

Claim1 requires a strand disposed within a cursor, where the strand includes a locking portion to secure at least one attachment member within the cursor.

The Examiner has rejected claim 1 over Kaps and reads the entire inner surface and projections within cursors 21 and 22 as the claimed strand. (Office action mailed June 15, 2005, page 3, 1st paragraph). Appellant respectfully states that this is an unfair reading of the term.

There is no strand in Kaps and Examiner's reading of a strand, as comprising a surface is not proper.

It is well settled that claim terms are presumed to have the ordinary and customary meanings attributed to them by those skilled in the art. *Sunrace Roots Enger. Co. v. SRAM Corp.*, 336 F.3d 1298, 1302, 67 USPQ2d 1438,1441 (Fed.Cir.2003). Further, in the absence of some express intent to impart a novel or different meaning, the claims terms are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art. *Ferguson Beauregard/Logic Controls v. Mega Systems*, 350 F.3d 1327, 1338, 69 USPQ2d 1001, 1009, (Fed.Cir. 2003).

In this instance, claim 1 requires *a strand* including a locking portion to secure the at least one attachment member. There is nothing in Appellants specification that would signify any intent to impart any other meaning than that provided by any dictionary. *A strand is a string, thread or any other ropelike filament*; as is defined Websters New Twentieth Century Dictionary (Attached as Exhibit A). A surface as indicated by the Examiner cannot meet this limitation. For this reason alone the rejection to claim 1 should be reversed.

Further, a worker skilled in the art would not understand a surface to meet the claimed limitations of a strand. One of ordinary skill in the art would not interpret the limitation of at least one strand to mean a surface of the cursor. For at least these reasons Kaps cannot disclose or suggest the limitation of a strand disposed within a cursor and therefore cannot anticipate the limitations of claim 1.

Additionally, the claim requires that the strand be disposed within the cursor. In Kaps, the surface read by the Examiner, as the "strand" is part of the cursor and therefore cannot be disposed within the cursor. Further, Figures 2 and 3 of Appellant's specification clearly shows that the clip is a separate part from the cursor. How can an element be disposed within itself? For this additional reason, the rejection is not proper. Accordingly, Appellant respectfully requests that this rejection be reversed.

Claim 9 depends ultimately form claim 1, and requires that the cursor include a cavity for retention of the at least one strand. Kaps cannot meet this limitation as the cursor includes the

locking features. That is, Kaps does not disclose any part separate from the cursor, and therefore cannot disclose a cavity into which a strand is retained.

Claim 13

Claim 13 recites a door module assembly including a window lift mechanism, a window with at least one attachment member, a cursor attached to the window lift mechanism and at least one continuous strand disposed within the cursor comprising a locking portion for securing the attachment member within the cursor. Kaps does not disclose a continuous strand disposed within a cursor and therefore cannot anticipate the limitations of claim 13.

As stated above with regard to claim 1, the Examiner is reading the inner surface and projections within cursors 21 and 22 as the claimed continuous strand. How can a surface read on a strand that is defined as a string, thread or filament? It cannot and therefore the rejection over the Kaps reference is improper. Accordingly, Appellant respectfully requests that this rejection be reversed.

Claim 17

Claim 17 recites a cursor assembly attachable to a window having an attachment member including a cursor and at least one continuous strand supported by the cursor and including a locking portion engageable with the attachment member of the window for securing the cursor to the window.

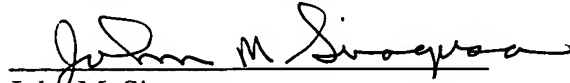
Again, the Examiner is reading the inner surface and projections of Kaps as meeting the limitation of at least one continuous strand. For the reasons discussed with regard to claims 1 and 13, Kaps does not disclose a continuous strand. The interpretation of a strand to include a surface is beyond any interpretation that a worker skilled in the art would apply to the limitation of a continuous strand. Further, the specification does not support or provide any reason to believe that Appellant meant to apply some novel meaning to the limitation of a "strand". Accordingly, Appellant respectfully requests that this rejection to claim 17 be reversed.

CONCLUSION

For the reasons set forth above, the rejection of claims 1, 5, 8-13, and 17-22 is improper and should be reversed. Appellant earnestly requests such an action.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

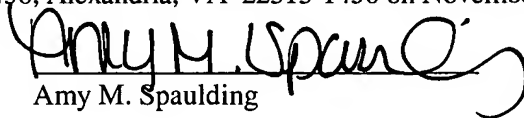


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Dated: November 15, 2005

CERTIFICATE OF MAIL

I hereby certify that the enclosed Appeal Brief is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop – Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 15, 2005.


Amy M. Spaulding

CLAIMS APPENDIX

1. A window lift mechanism assembly for a window having at least one attachment member comprising;
 - a cursor adapted to receive the attachment member; and
 - at least one strand disposed within said cursor comprising a locking portion for securing the attachment member within said cursor.
2. A window lift mechanism assembly comprising;
 - a window comprising at least one attachment member;
 - a cursor adapted to receive said attachment member; and
 - a single continuous resilient strand disposed within said cursor comprising a locking portion and a bias portion, said locking portion and said bias portion securing said attachment member within said cursor, said continuous resilient strand having a first segment and a second segment, formed so as to have said locking portion adjacent said first segment and said bias portion adjacent said second segment.
3. The assembly of claim 2, further comprising a body portion connecting said locking portion and said bias portion, said body portion defining a first plane and said locking portion and said bias portion defining planes different from said first plane.
4. The assembly of claim 3, wherein said locking portion is on a second plane and said bias portion is on a third plane, said second plane and said third plane disposed on opposite sides of said first plane.
5. The assembly of claim 1, wherein said locking portion includes a profile to engage the attachment member.

6. The assembly of claim 2, further comprising a slide portion engaged to move the locking portion aside until said attachment member is past the locking portion.
8. The assembly of claim 1, wherein the cursor includes a slot for receiving the attachment member.
9. The assembly of claim 8, wherein the slot includes a cavity adapted for retention of said at least one strand.
10. The assembly of claim 1, wherein said at least one strand is not removable from said cursor.
11. The assembly of claim 1, wherein said cursor is adapted to receive the attachment member and said at least one strand is adapted to trap the attachment member between the locking portion and a bias portion.
12. The assembly of claim 1, wherein a portion of said at least one strand is integrally molded into said cursor.
13. A door module assembly comprising:
 - a window lift mechanism;
 - a window including at least one attachment member;
 - a cursor attached to said window lift mechanism, said cursor comprising an opening to receive said attachment member; and
 - at least one continuous strand disposed within said cursor comprising a locking portion for securing said attachment member within said cursor.

14. A door module assembly comprising:
a window lift mechanism;
a window including at least one attachment member;
a cursor attached to said window lift mechanism, said cursor comprising an opening to receive said attachment member; and
a single continuous resilient strand disposed within said cursor comprising a locking portion and a bias portion, said locking portion and said bias portion securing said attachment member within said cursor, wherein said single continuous resilient strand includes a first segment and a second segment formed so as to have said locking portion adjacent said first segment and said bias portion adjacent said second segment.
15. The assembly of claim 14, further comprising a body portion connecting said locking portion and said bias portion, said body portion defining a first plane and said locking portion and said bias portion defining planes different from said first plane.
16. The assembly of claim 15, wherein said locking portion defines a second plane and said bias portion defines a third plane, said second plane and said third plane disposed on opposite sides of said first plane.
17. A cursor assembly attachable to a window having an attachment member comprising:
a cursor; and
at least one strand supported by said cursor and comprising a locking portion engageable with the attachment member of the window for securing said cursor to the window.
18. The assembly as recited in claim 17, wherein said strand includes a slide portion engageable to move said locking portion aside until the attachment member is past said locking portion.

19. The assembly as recited in claim 17, wherein said cursor includes a slot for receiving the attachment member.
20. The assembly as recited in claim 19, wherein said cursor includes a cavity adjacent said slot for supporting said strand.
21. The assembly as recited in claim 1, wherein said at least one strand includes a biasing portion.
22. The assembly as recited in claim 13, wherein said at least one strand includes a biasing portion.

Evidence Appendix

Exhibit A Copy of Dictionary definition.

Related Proceedings Appendix

None



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straightforward

straight'for'ward, *a.* 1. proceeding in a straight or direct line; not deviating.
2. upright; honest; open; frank; as, a *straightforward* man.
straight'for'ward, *adv.* directly forward; straight on.
straight'for'ward-ly, *adv.* in a straightforward manner.
straight'for'ward-ness, *n.* the quality or state of being straightforward; undeviating rectitude.
straight'for'wards, *adv.* straightforward.
straight'-joint, *a.* having the boards so laid that their joints at the ends form continuous transverse lines: said of a floor.
straight'-line', *a.* 1. composed of straight lines.
2. having the parts arranged in a straight line or lines.
3. designating a linkage or similar device (*straight-line motion*) used to produce or copy motion in straight lines.
straight'ly, *adv.* in a straight line; not crookedly.
straight'ness, *n.* the quality or state of being straight.
straight'-out, *a.* 1. straightforward; direct. [Colloq.]
2. unrestrained; outright. [Colloq.]
3. thoroughgoing; unqualified. [Colloq.]
straight'-pight (-pit), *a.* erect. [Obs.]
straight'-spō'ken, *a.* speaking plainly and to the point; plain-spoken.
straight'way, *adv.* immediately; without delay.
straight'ways, *adv.* straightway. [Rare.]
strālk, *n.* same as *strake*.
strāin, *v.t.*; *strained*, *pt.*, *pp.*; *straining*, *ppr.* [ME. *streinen*; OFr. *estraindre*, to strain, wring hard, from *L. stringere*, to draw tight.]
1. to draw or stretch tight.
2. to exert, use, or tax to the utmost; as, he *strained* every nerve to get there.
3. to overtax; to injure by exertion; to sprain; as, he *strained* a muscle climbing.
4. to injure or weaken by force, pressure, etc.; as, the wind *strained* the roof.
5. to stretch or force beyond the normal, customary, or legitimate limits; as, he *strained* the rule to his own advantage.
6. to change the form or size of, by applying external force.
7. (a) to pass through a screen, sieve, filter, etc.; to filter; (b) to remove or free by filtration, etc.
8. to hug; to embrace: now only in *to strain to one's bosom* (or *heart*, etc.).
9. to force; to constrain. [Obs.]
strāin, *v.i.* 1. to make violent or continual efforts; to strive hard; as, she *strained* to win.
2. to be or become strained.
3. to be subjected to great stress or pressure.
4. to pull with force.
5. to filter, ooze, or trickle.
6. *to strain at*; (a) to use great effort in trying to move (an object); to push or pull hard at; (b) to have unusually great difficulty accepting; to balk at.
strāin, *n.* 1. a straining or being strained.
2. great effort, exertion, or tension.
3. a strain or wrench.
4. change in form or size, or both, resulting from stress or force.
5. stress; force.
6. a great or excessive demand on one's emotions, resources, etc.; as, a *strain* on my imagination.
strāin, *n.* [ME. *strene*, *streen*, *stren*; AS. *streon*, gain, procreation, stock, race, from base of *stryan*, *stryman*, to produce.]
1. originally, (a) a begetting; (b) offspring.
2. ancestry; lineage; descent.
3. the descendants of a common ancestor; race; stock; line; breed; variety.
4. a line of individuals of a certain species or race, differentiated from the main group by certain, generally superior, qualities, especially as the result of artificial breeding.
5. an inherited or natural character or tendency.
6. a trace; a streak.
7. the manner, style, or mood of a speech, book, action, etc.; as, he wrote in an *angry strain*.
8. [often *pl.*] a passage of music; a tune; an air.
9. a flight or outburst of eloquence, profanity, etc.
strāin'ā-ble, *a.* 1. capable of being strained.
2. violent; compelling. [Obs.]
strāin'ā-bly, *adv.* violently. [Obs.]

strāined, *a.* stretched; tense; forced; perverted; distorted; unnatural; also, weakened; ready to part; as, *strained* courtesy.
strāin'er, *n.* 1. a device for straining, sifting, or filtering; a sieve, filter, colander, etc.
2. a device for tightening or stretching something.
3. in carriage building, a stretcher.
strāin'er vine, the sponge gourd, *Luffa cylindrica*.
strāin'ing plēce, a horizontal beam placed between two opposite rafters in a roof truss: also called *straining beam*.
strāin nor'māl, in mechanics, a line perpendicular to the direction of any homogeneous strain.
strāin sheet, an outline drawing of the whole or part of a truss, bridge, etc., on which is indicated the amount of stress to be borne by each member.
strāint, *n.* a violent stretching or tension. [Rare.]
strāit, *a.* [ME. *streit*; OFr. *estroit*, *estroit*, strait, narrow, close, contracted, strict, from *L. strictus*, *pp.* of *stringere*, to draw tight.]
1. narrow; close; not broad; tight; confined; as, a *strait* path; a *strait* sleeve. [Archaic.]
2. close; intimate. [Obs.]
3. strict; rigorous; exacting. [Archaic.]
4. difficult; distressing; straitened.
5. mean; close; stingy. [Obs.]
strāit, *adv.* rigidly; exactly; closely. [Obs.]
strāit, *n.* 1. a narrow pass or passage. [Rare.]
2. a narrow strip of land with water on both sides; an isthmus. [Rare.]
3. [often *in pl.*] a narrow waterway connecting two large bodies of water.
4. [often *in pl.*] distress; difficulty; distressing necessity; as, in sad *straits*.
strāit, *v.t.* to put to difficulties. [Obs.]
strāit'en, *v.t.*; *straitened*, *pt.*, *pp.*; *straitening*, *ppr.* 1. to make strait or narrow; to contract; to hem in.
2. to make tense or tight; as, to *straiten* a cord. [Obs.]
3. to restrict or confine; to hamper. [Rare.]
4. to bring into difficulties, especially financial hardships; to distress: usually in the past participle, especially in the phrase *in straitened circumstances*, lacking sufficient money.
strāit'hand'ed, *a.* parsimonious; sparing. [Obs.]
strāit'hand'ed-ness, *n.* niggardliness. [Obs.]
strāit jack'et, a coatlike device that binds the arms tight against the body: used to restrain mentally deranged persons, criminals, etc. who are violent.
strāit'-laced (-lāst'), *a.* 1. (a) tightly laced, as a corset; (b) wearing tightly laced garments. [Archaic.]
2. stiff; constrained. [Rare.]
3. narrowly strict or severe in behavior, opinions, etc.
strāit'ly, *adv.* in a strait manner; narrowly; tightly; strictly; intimately; grievously. [Archaic.]
strāit'ness, *n.* the state or quality of being strait. [Archaic.]
strāit'-wāist'coat, *n.* same as *strait jacket*.
strāke, *v.* obsolete past tense of *strike*.
strāke, *n.* [variant of *streak* and *stroke*.]
1. a streak. [Obs.]
2. a continuous line of planking or metal plating extending from one end of a ship to the other.
3. a metal band on the felloes of a wheel, in sections, and not continuous like a tire.
4. in mining, an inclined trough for washing ore; a launder. [Brit. Dial.]
5. a rut; also, a crack in a floor.
strām, *v.t.*; *strammed*, *pt.*, *pp.*; *stramming*, *ppr.* [prob. echoic.] to rebound with great force. [Brit. Dial.]
strām-ash', *v.t.* to strike, beat, or bang; to break; to destroy. [Scot. and Brit. Dial.]
strām'ash, *n.* a tumult; a struggle; a conflict. [Scot. and Brit. Dial.]
strām'ā-zōne, *n.* [It. *stramazzone*, a cut, slash.] a descending blow or cut with a sword in contrast to a stockade or thrust. [Obs.]
strā-min'ē-ous, *a.* [L. *stramineus*, from *stramen*, straw.]
1. of or like straw.
2. straw-colored.
strā-mō'ni-um, *n.* [Mod. L.; ML. *stramonium*, thought by some to be altered from a Tartar word.]
1. a poisonous weed of the nightshade family, with toothed leaves, white flowers, and prickly fruit; jimson weed; thorn apple; stinkweed.
2. its dried leaves used in medicine as a narcotic, etc.

strangles

strām'ō-ny, *n.* stramonium.
strand, *n.* a small brook; also, a passage for water; a gutter. [Scot.]
strand, *n.* [AS. *strand*; D. *strand*; Ice. *strond*, margin, edge.] land at the edge of a body of water; shore, especially ocean shore.
strand, *v.t.* and *v.i.*; *stranded*, *pt.*, *pp.*; *stranding*, *ppr.* 1. to drive or run aground, as a ship.
2. to put or come into a difficult, helpless position; used especially in the passive, as, *stranded* in a strange city with no money.
strand, *n.* [OFr. *estran*; prob. of Gmc. origin.]
1. any of the bundles of thread, fiber, wire, etc. that are twisted together to form a length of string, rope, or cable.
2. a string, thread, or other ropelike filament; as, a *strand* of beads.
strand, *v.t.* 1. to break one or more of the strands of (a rope).
2. to make (rope, etc.) by uniting or twisting together strands.
strand line, a shore line, especially a former one from which the water has receded.
strand'lopp'er, *n.* a South African shore bird, *Aegialitis tricolor*.
strand plōv'er, the black-bellied plover.
strand rat, a South African mole rat, *Bathyrgeus maritimus*.
strand wolf (wulf), a South African brown hyena, *Hyena villosa*.
strang, *a.* strong. [Obs. or Dial.]
strānge, *a.*; *comp.* stranger; *superl.* strangest, [OFr. *estranger*; Fr. *étrange*, from *L. extraneus*, that is without, from *extra*, on the outside.]
1. (a) [Archaic.] foreign; alien; (b) of another place or locality.
One of the *strange* queen's lords.—Shak.
2. not one's own; not pertaining to oneself or one's belongings; belonging to others. [Obs.]
3. new; unused; not previously known, heard, seen, or experienced; as, a *strange* custom.
4. wonderful; causing surprise; exciting curiosity; extraordinary; remarkable; singular. 'Tis *strange*, but true; for truth is always *strange*. —Byron.
5. odd; unusual; irregular; not according to the common way.
He's *strange* and peevish. —Shak.
6. reserved; distant; estranged; not familiar.
7. unaccustomed; lacking experience; as, he was *strange* to the job.
strange woman; in the Bible, a harlot.
strānge, *adv.* strangely; in a strange manner.
strānge, *v.t.* to alienate; to estrange. [Obs.]
strānge, *v.i.* 1. to wonder; to be astonished. [Obs.]
2. to be estranged or alienated. [Obs.]
strānge'ly, *adv.* in a strange manner.
strānge'ness, *n.* the state or quality of being strange.
strān'gēr, *n.* 1. a foreigner; one who belongs to another country or place.
2. one unknown or not familiar; as, the gentleman is a *stranger* to me.
3. one unaccustomed (to something specified); a novice; as, he is a *stranger* to hate.
4. a guest or a visitor.
5. (a) a marine fish, *Oxodactylus richardsoni*, of Australia; (b) a noctuid moth.
6. in law, one not privy or party (to an act, agreement, title, etc.).
strān'gēr, *v.t.* to estrange; to alienate. [Obs.]
strān'gle, *v.t.*; *strangled*, *pt.*, *pp.*; *strangling*, *ppr.* [ME. *strangelen*; OFr. *estrangler*; L. *strangulare*, to throttle, choke, from Gr. *strangalan*, to strangle, from *strangale*, a halter, from *strangos*, twisted.]
1. to kill by squeezing the throat so as to shut off the breath, as with the hands, a noose, etc.; to throttle; to choke.
2. to suffocate or choke in any manner.
3. to suppress; to stifle; to repress.
strān'gle, *v.i.* to be strangled; to choke; to suffocate.
strān'gle-ā-ble, *a.* capable of being strangled.
strān'gle hōld, 1. a wrestling hold that chokes off an opponent's breath.
2. figuratively, any force or action that restricts or suppresses freedom.
strān'glēr, *n.* one who or that which strangles or destroys.
strān'glēs, *n.* an infectious disease of horses, characterized by a catarrhal inflammation of